

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:17-CR-316-1D

UNITED STATES OF AMERICA :
 :
 v. :
 :
 CHAD ERIC NUTSCH :

ORDER OF FORFEITURE AND PRELIMINARY ORDER
AS TO SUBSTITUTE ASSET

Defendant Chad Eric Nutsch pled guilty to the Criminal Information which charged Defendant with violating Title 18, United States Code, Section 1956(h) (Money Laundering). In his Plea Agreement, the Defendant agreed that he personally obtained at least \$74,000 in proceeds from the money laundering offense, and further stipulated that he had by his own acts or omissions made the proceeds unavailable, and that one or more of the conditions to forfeit substitute assets exists, as set forth in Title 21, United States Code, Section 853(p).

Having considered the plea agreement, the record as a whole, and the applicable law, the Court issues the following orders:

1. It is ORDERED that all property, real or personal, which constitutes or is derived from proceeds traceable to Defendant's violation of Title 18, United States Code, Section 1956(h), is forfeited to the United States.

2. It is ORDERED that the United States is entitled to forfeit substitute assets equal to the value of the proceeds obtained by Defendant Nutsch as a result of his violation of Title 18, United States Code, Section 1956(h), and that such substitute assets shall not exceed the value of the proceeds Defendant obtained of \$74,000.

3. It is further ORDERED that, on unopposed motion by the Government, the following substitute asset is hereby forfeitable pursuant to 18 U.S.C. Section 982: a 2016 Mercedes SUV, VIN: 4JGDA5JB1GA660057. The above substitute asset is forfeited in partial substitution for the forfeited but unavailable sum of \$74,000.00, said substitute asset's value to be realized by the Government after the disposition of the substitute property.

4. That based upon the Order of Forfeiture and Preliminary Order as to Substitute Asset as to the defendant, Chad Eric Nutsch, the interest of the defendant in the identified substitute asset is herewith forfeited to the United States for disposition in accordance with the law.

5. Pursuant to 21 U.S.C. § 853(n), the United States shall publish notice of this Order and of its intent to dispose of the property in such manner as the Attorney General or the Secretary of Treasury directs, by publishing and sending notice in the same manner as in civil forfeiture cases, as provided in

Supplemental Rule G(4). Any person other than the defendant, having or claiming any legal interest in the subject property must file a petition with the Court within 30 days of the publication of notice or of receipt of actual notice, whichever is earlier.

The petition must be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, and must include any additional facts supporting the petitioner's claim and the relief sought.

6. That upon adjudication of all third party interests this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853, as required by Fed. R. Crim. P. 32.2(c).


7. It is further ORDERED that pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure, the United States may move to amend this Order at any time to substitute specific property to satisfy this Order of Forfeiture in whole or in part.

8. It is further ORDERED that any and all forfeited funds shall be deposited by the U. S. Department of Justice or the U. S. Department of the Treasury, as soon as located or recovered, into the U. S. Department of Justice's Assets Forfeiture Fund or the U. S. Department of the Treasury's Assets Forfeiture Fund in

accordance with 28 U.S.C. § 524(c) and 21 U.S.C. § 881(e).

In addition, upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is DIRECTED to incorporate a reference to this Order of Forfeiture in the applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(b)(4)(B). In accordance with Fed. R. Crim. P. 32.2(b)(4)(A), this Order shall be final as to the defendant upon entry.

SO ORDERED. This 25 day of July 2018.



JAMES C. DEVER III
Chief United States District Judge